HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Arbitration Application No.05 of 2005

M/s Sharad Chand Khanduri
Contractor Buildings Bridge
42/A Subhash Road
Dehradun – 248001 …..Applicant

Versus

1. The Superintending Engineer
   Irrigation Works Circle
   Kaulagarh Road
   Dehradun
2. The Executive Engineer
   Irrigation Division
   Irrigation Department, Uttarkashi…….Respondents

Hon'ble J. C. S. Rawat, J.

Heard Sri S. K. Jain learned counsel for the applicant and Sri N. C. Gupta learned Standing Counsel.

The petition under section 11(5)(6) of the Arbitration & Conciliation Act 1996 has been preferred with the prayer to appoint an arbitrator for the settlement of the disputes between the parties or designate any person or institution for such appointment as per section 11 of the Arbitration & Conciliation Act.

The learned counsel for the applicant contended that he will file the claim before the Arbitrator.

There is a clause in the Arbitration & Conciliation Agreement to appoint an Arbitrator for the settlement of the disputes between the parties.

Several letters were sent to the opposite parties by the applicant with the request either to make the payment as per claim submitted by the applicant or to settle the dispute between the parties or to appoint an Arbitrator for settlement of the dispute between the parties. When the opposite parties neither settled the dispute nor the payment was made according to the general conditions of the contract, the applicant sent a

notice dated 8.3.2005 to the opposite parties. Thereafter, the opposite party vide order dated 30.4.2005 refused to either settle the dispute and or for appointment of the Arbitrator for settlement of the dispute between the parties.

Therefore, this petition under section 11(5)(6) of the Arbitration & Conciliation Act has been filed before this Court. In exercising of the power conferred under section 11 of the Arbitration & Conciliation Act, Mr. Justice Mr. V. N. Mehrotra (Rtd.) 86, Mohalla Khatriyan, Kashipur, Nainital is appointed as an Arbitrator, who will submit its award within a period of six months.

The petition is disposed of accordingly.

(J.C.S. Rawat, J.)

Dated 25.5.2005

LSR